

**ORDINANCE TO AMEND THE ZONING ORDINANCE TO IMPLEMENT
CONTRACTOR LICENSING REQUIREMENTS**

WHEREAS, Article I, Section 2 of the Zoning Ordinance of the Town of Felton was adopted by the Town of Felton Town Council on or about August 12, 1996 for the purpose of promoting the health, safety, morals, convenience, prosperity and general welfare of present and future inhabitants of the Town of Felton by regulating use of the land, water, and air space of the Town to foster an attractive and harmonious community; and

WHEREAS, it is desirable for the Town to implement registration requirements for contractors doing business in the Town of Felton pursuant to the Zoning Ordinance of the Town of Felton;

BE IT HEREBY ENACTED by the Town Council of the Town of Felton, a majority thereof concurring in Council duly met, that the following ordinance be and hereby is adopted:

An Ordinance to Amend the Zoning Ordinance to Implement Contractor Licensing Requirements

Section I. Article V. § 1 of the Zoning Ordinance shall be amended to add the following subsection 1.3 to Article V, § 1:

1.3 Contractor License

(A) License required

1. Every contractor desiring to do business in the Town of Felton pursuant to the Zoning Ordinance shall file an application with the Town for a License.

2. A contractor is any person, firm, corporation, or jobber engaged in building, alteration, repairing, remodeling, construction or maintenance of buildings or engaged in any type of construction including but not limited to paving, curbing and sidewalk installation or repair, plumbing, electrical, or other types of maintenance or construction.

(B) License application.

1. To be considered for a license, every contractor must file an application upon the forms provided by the Town.

2. The forms shall require at least the following of each contractor applying for a license:

- a. Applicant's name, address,
- b. Contractor's name, address, and tax identification number;
- c. Identification of the trade(s), business(es) or occupation(s) for which the license is requested;
- d. Proof of the contractor's liability insurance coverage for the entire term of the license;
- e. Proof of the contractor's State of Delaware Business license which must remain current for the entire term of the license;
- f. Certification by the contractor that the contractor has complied with and will continue to comply with all ordinances of the Town and that the contractor is not delinquent in the payment of monies owed to the Town;
- g. Verification that the contents of the application are true and correct to the best of the contractor's knowledge. Any person who falsifies any information on any application made to the Town may be subject to criminal proceedings under Title 11, Chapter 5, Subchapter III, Subpart F of the Delaware Code.
- h. Signature of an officer or owner of the contractor.

3. Each application must be submitted with the appropriate fee. No application will be considered complete without the necessary fee.

4. The application is of a continuing nature. Any changes to the information submitted with the application must be submitted to the Town within ten (10) business days of such change.

(C) Term of License. Each license shall be valid and effective for one year beginning on July 1 and ending June 30.

(D) Issuance of License.

1. Upon approval of a completed application, a license shall be issued to the contractor.

2. A record of all licenses issued and fees collected shall be maintained at Town Hall. Each license will be issued upon a form provided by the Town.

(E) Denial of License.

1. Effect of denial. Upon denial of an application for license, the contractor may not engage in the trade(s), business(es) or occupation(s) for which the license was requested a license is subsequently issued pursuant to a court order.

2. Reapplication. If the contractor has remedied the defect which caused the application to be denied, a new application and accompanying fee may be submitted.

(F) Application fee.

1. Amount. Each application for license must be accompanied by an application fee. The fee shall be \$100.00 per application. This fee may be revised by resolution of the Town Council.

2. Refund. Fees collected for any license application that is not approved by the Town Manager shall be refunded, less a reasonable processing charged. If, however, the applicant is otherwise indebted to the Town, the fee shall be applied to the monies owed.

3. Pro-ration. A fee will be prorated at the discretion of the Town Manager only when the license fee was collected in error or the contractor makes a showing of particular hardship. Non-use or change of business or location of business shall not constitute hardship. The amount of refund under this section shall be calculated based on the period remaining in the term of the license after the occurrence of the event relied upon for the refund.

4. Penalty for late payment.

a. License fees not paid by July 1 of each year will result in a penalty of 10% of the license fee per month, not to exceed 30%, until the fee is paid.

b. Any contractor not doing business in the Town of Felton on July 1 of any year must apply for a license within 30 days of the commencement of business in the Town or be subject to the penalty in subsection (a) above.

c. Any contractor doing business in the Town of Felton on the effective date of this ordinance must apply for a license within 30 days of the effective date of the ordinance or be subject to the penalty in subsection (a) above.

(G) Transfer of license prohibited. Each license issued by the Town pursuant to this ordinance shall be for the sole use and benefit of the contractor to whom it is issued and shall not be transferable.

Section 2. This ordinance shall become effective upon its adoption by a majority of all the Town Council of the Town of Felton.

Synopsis

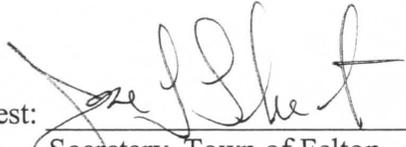
This ordinance amends the Town of Felton Zoning Ordinance to require that all contractors doing business in the Town pursuant to the Zoning Ordinance must apply for and pay a fee to obtain a one year license from the Town. Application must be made on the forms provided by the Town by July 1 of each year. Each approved contractor will receive a license on a form provided by the Town. Failure to apply for a license in a

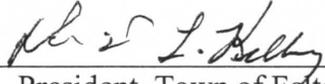
timely manner will result in penalties; exceptions to the penalty provision are provided for contractors who are not doing business in the Town on July 1 of the year in question and for contractors doing business in the Town at the time of the passage of this ordinance. Fees will be refunded only upon denial of an application; a prorated refund may be issued upon a showing of error or hardship. Licenses shall not be transferable.

This shall certify that this is a true and correct copy of the ordinance duly adopted by the Town of Felton Town Council at a duly-noticed and convened meeting at which a quorum was present on August 21, 2006.

So Certifies:

Attest:


Secretary, Town of Felton
Town Council


President, Town of Felton
Town Council

This shall certify that a public hearing on the foregoing ordinance was held on August 21, 2006 and that notice of such hearing was published in the State News on Aug 10, 15 + 20, 2006 and posted in Felton Town Hall on Aug 8, 2006
Felton Bank
Felton Post Office


Town Clerk